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THE COUNTY IN POLITICS

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The allegiance of the individual to the party is a feature of our political life which has attracted general attention. That the southern states should be democratic and a few northern states like Vermont and Pennsylvania should be republican, we have come to consider a matter of course. The persistence with which the intervening units, the counties, cities, and even townships and wards, cling to one party or the other often escapes our notice. Why a county or town settled by the same people, controlled by the same economic and social influences, should be staunchly republican or democratic, while the surrounding territory gives support to the opposite party, is hard to explain and often unexplainable.

Even where party organization is loose, and the population rapidly changing, one unit in the midst of others of a different political faith may steadfastly refuse to "bow down to false gods." Party for such a community is a tradition, an institution, almost a religion. No clearer instance of popular conservatism can be cited than the refusal of a political division to change its politics. Skilful politicians realize the value of this asset. Into the mold of the local political unit the party fits its machinery to accentuate and maintain the loyalty which it has partly created and by which in turn it maintains its existence.

What particular unit will be chosen as the basis of party organization varies with local conditions, historic, economic and political. If a party is hopelessly in the minority in a certain state, it tends to rely on the state organization more than on the local leaders. If it is strong it may find both the county and the town available bases for organization. It may concentrate its attention chiefly on the county as is done by the republicans of Pennsylvania, relying on a state committee to act as the central policy directing agency. It may divide its attention among a number of local units. In Missouri, for example, in both parties there is a much more complicated organization. School district committees, township committees, county

committees, congressional district committees and the state central committees all perform important party work. Of these groups four divide the larger work of the party. The state and county committees deal primarily with the state and national ticket thus cooperating with the national committee. The district and township committees work for the congressional ticket and therefore work with the congressional committee.

The choice in each case is opportunist. No civil division has created for itself a uniform importance throughout the nation but the unit most frequently used has been the county. Its convenient size, local pride and the fact that its offices furnish a rallying point for local contests, a means for measuring local opinion and the skeleton of a "county organization" for the purposes of the state and national elections have led to its use for general purposes. Counties have been used (1) as the basis for the legal organization of the party as in apportionments for state and congressional elections, and in acts bringing the parties under legal control, and (2) for organizing the electorate for the purely extra-legal activities of the parties.

THE COUNTY AS THE LEGAL BASIS OF PARTY ORGANIZATION

1. *Apportionment*

Division of the electorate into units for the purposes of representation is essential in party government. The basis of division may be the party itself. Each faction may be granted representation measured by the number of votes cast at the election. This is the foundation upon which all systems of "proportional" representation rest. But so frank a recognition of parties as the foundation of our political life has never been popular in America. Our states prefer to choose their representatives from territorial districts from each of which, with only negligible exceptions, but a single member is chosen. These districts themselves may or may not be determined in size by the population resident within them. Indeed the typical American method of distributing representatives in the state legislatures and congress is not one which in practice demands that each candidate chosen shall represent approximately an equal number of inhabitants. The idea of representation of locality so prominently exemplified in our national senate is expressed also in the basis of

representation in the legislatures of the states. It has always been so. In the colonial period, except in the three northeastern colonies, the political unit for the basis of representation was determined by the legislature as was also the number of representatives to be elected from each unit. Except in New England, where the township system gave rise to representation even more unequal, the choice was based on a county or borough basis. Little attempt was made to make the districts equal or to assign them representatives according to population. The importance of individual opinion as the basis of party action was disregarded. This complaisance disappeared, but traces of the old system still survive in our constitutions. Over three-fifths of the states give recognition to the right of territorial units within the state to representation without reference to the number of their inhabitants. In thirty-three states, including twenty-one of the twenty-six east of the Mississippi, the constitutions guarantee even now that each county shall have at least one member regardless of population. As a rule this provision has now ceased to have any political importance. In a few cases it still constitutes a discrimination in favor of rural as against urban communities.

Even in the states where the constitutions did not prescribe such a rule, in the first half of the nineteenth century the legislatures by custom favored recognizing the county as an apportionment unit. Single member districts were not obligatory, seats in the legislatures were distributed primarily to counties, and within these the legislature might or might not prescribe a further distribution to smaller units.

In general the western states have freed themselves from the influence of the "county" idea more quickly than their eastern neighbors. Especially after the federal apportionment act of 1842, which prescribed that members of the lower house of congress should be elected by single member districts, the state legislatures began to adopt a similar standard. Indeed the federal example no doubt, especially with the new states, was an important influence in bringing the change. The federal law required that members of the house of representatives "be elected by districts composed of contiguous territory equal in number to the number of representatives to which said state may be entitled, no one district electing more than one representative." Similar language soon after began to appear in the state constitutions. Thus Wisconsin in 1848 required that members

of its lower house should be chosen by single member districts "such districts to be bounded by county, precinct, town or ward lines and to consist of contiguous territory and to be in as compact form as possible."

The new system showed itself so easily manipulated by the gerrymander and the mere requirement that the districts should be "compact and contiguous" proved so flexible a rule in some states that the county was soon reintroduced in a new form for the purpose of checking the abuses of unequal apportionment. To stop the carving out of fantastic districts for party favorites or opponents. it was declared that, in making the districts, county lines should not be crossed. This scheme worked passably well in marking out such large sections as congressional districts; and for this purpose the counties and groups of counties are still the unit in ten states. But it was cumbersome when a large number of districts had to be made for the election of representatives to the state legislature. Indeed a requirement of this sort might actually force a gerrymander by making a division into districts with approximately equal population impossible. To be sure the increase in the number of counties which occurred in many states mitigated this evil somewhat, but, as a rule, the process was not rapid enough to keep pace with the increase in the number of representatives.

The scheme was evidently too cumbersome and the county was gradually discarded as the sole basis for political apportionment. In only seven states scattered from Maine to Montana do counties and groups of counties now survive as the only units of representation. In some cases they still serve partially to check the gerrymander by reversing its relation to the legislative districts. It is provided, not that counties only may be combined to form the districts, but that single counties may be divided if each district lies within the limits of a single county. Like the prohibition joining parts of different counties, this system may, however, prove a protection to the very gerrymander against which it is to protect. This use of the county unit has proved to be only a step toward the entire abolition of the county basis in favor of the unrestricted power of the legislature to map out the districts. The dominant tendency is clearly in favor of single member districts unconnected with any other civil division. The county is no longer favored as an apportionment unit.

If there ever was a good reason for using the county as a basis

for representation, it has now disappeared. Probably the provisions which survive would be dropped from most of the constitutions if they came before the people on their merits. A few states would perhaps keep them because of the growing distrust of the city population, a circumstance which explains, for example, the clause of the New York constitution of 1894 which requires that "no two counties or the territory thereof as now organized, which are adjoining counties or which are separated only by public waters, shall have more than one-half of all the senators."

In this generation, accustomed to the rapid methods of communication that have broken down not only local pride but also to a large extent the state jealousies formerly so prominent, the whole scheme of county representation is an anachronism. Localities have ceased to be the basis of contrasting interests. Who would extend the basis of representation of the United States senate? There are in the normal case no county issues which require expression. Even the members of our much maligned state legislatures, charged with all the sins of pettiness on the political calendar, though recognized by the speaker under the name of their counties, do not represent their districts except on private bills and log-rolling measures. The whip of the party caucus added to the changed conditions of our political and economic life have made "the member from Buncombe county" at once less bound by local prejudice and less independent of the larger interests of his party.

2. Election Legislation

The most striking development affecting parties in the last half century has been the increasing degree to which their activities have become subject to regulation by law. The printing of ballots, the canvassing of votes, the regulation of time and procedure of caucuses, primaries and conventions, even the choice of their own committees, have been more and more taken from the parties and put under public supervision and control. Legislation naturally adapted itself to the units which had been found most useful in the former extra legal organization of the parties. Most important of these was the county, indeed to trace the extent to which the county has been made the basis of the legal organization of the party would be, to a large extent, to trace the extent to which the law has been applied to the formal party structure. No two states are in exactly the same class.

Some, like Alabama, still allow parties only slightly less independence than formerly. Others regulate almost every detail of their structure.

The political duties placed on the county show a similar divergence. Alabama practically contents herself with requiring the county to bear the expense of printing the ballots and regulating the counting of votes. In states where regulation of political activity is popular, a large proportion of party activities are regulated on the county basis or are performed through county officers. An enumeration of the more important duties shows the wide extent to which some of the states have gone in making the county the basis of political administration. In Wisconsin expense accounts under the corrupt practice law are reported to county officers, except where the electoral district is larger than a county. The primary petitions of local officers are filed with the county clerk. Petitions for nomination to higher offices must have a certain percentage of the vote cast in varying numbers of counties. The county clerks give notice of the primary elections through newspapers, by posting and by notices to local officers. Notices of elections proper are made by them. They prepare county ballots and print and distribute them. They cause instructions to voters, tally sheets and sample ballots to be furnished. To county officers is given the duty of compiling and reviewing the returns of election reported from the townships and of compiling election statistics. Detailed rules govern the election of county committees in counties of varying population. The manner of electing precinct committeemen is determined by the nature of the county. The call, sessions and procedure of the county committees are regulated by law and the membership of congressional district committees is built up from party officers chosen within the counties.

It is to be noticed that, though the county officers are thus functionaries of the first importance in the politics of the state, they act chiefly as local administrative agencies of the state to enable it to reach the smaller political units, rather than as officers who are of a distinctly "county" character. "County politics" so far as these duties are concerned is chiefly a division of state politics or a means of making local political action uniform. The legalization of the political duties of county officers has not made the county an independent political unit in which policies turn on local issues.

THE COUNTY AS THE EXTRA-LEGAL BASIS OF PARTY
ORGANIZATION

No matter to what extent the duties of parties are subject to legal restrictions, the true political life of the state must always move to a large extent independently of the law. Statutes may lay down the limitations and powers of political agents and divisions, but politics always bear a relation to the statute similar to that which actual government holds to the constitution.

Party in its actual workings may build up customs and politics independently of statute, just as it has developed institutions back of and independent of the letter and intent of our constitutional provisions. The examples of the electoral college, popular election of senators and the *de facto* requirement that representatives in congress shall live within the districts from which they are chosen show the tendency to change in the federal government the *de facto* constitution and laws, to conform to political needs. The nominating conventions held extra-legally and in express defiance of the intent of the primary laws in some states show the same tendency of the party to free itself from legal restrictions which do not fully meet the demands of party life.

The varying degrees to which the party uses the county as a unit in its organization are explained by this natural adaptation of means to ends. In no two states does the county stand in exactly the same relation to the general party organization of the commonwealth. Nor is the extent to which the county is an element in "politics" in the narrower sense uniform throughout the same state. A New York county in which population is concentrated, where the control of office involves great social and economic interests, may play a part in the state's political life of the first importance. A rural county on the other hand may be controlled by a much simpler organization; the interest in its political offices may be largely determined by the honor and salaries that attach to a few comparatively unimportant positions. Evidently the political life of a Texas county in the staked plains can bear no comparison to the complex functions of the political organization in New York county or Cook county. In other words a county or several counties may have a controlling influence in a state, but the county has no uniform political importance.

1. *Political Importance of the County*

In a rough way the importance of the county in state politics varies in the three divisions—New England, Middle and Western states, and the South, but there are individual cases and individual campaigns in which the grouping is by no means exact.

Whatever changes in the position of the town meeting have occurred in New England, none of them has worked for the marked increase of the power of the county. County officers attract little attention; they are in a peculiar way out of politics. The "county ring" of the middle west is known in New England only by report.¹ Those in office, skilled in carrying out the duties the law has assigned, are not interested in attracting public attention to their positions. Long terms for county officers are frequent in New England; county officials are timid before suggestions of radical change and do not court political contests. These conditions, coupled with the strength of the town government system, have made the New England county little more than a formal division of government.

The central and western states use the county to a greater extent, both in government and politics. In the states of the old Northwest Territory and in Pennsylvania, the relations of county and town in politics are almost the opposite of those in New England.

One of the states in which the county organization has developed greatest strength is Pennsylvania. This was true long before the Civil War, but it has been developed to the greatest degree by the republican party. Many of the counties have developed detailed party rules which cover as much space as a fair-sized state constitution. In Lancaster county a portion of the rules now enforced has remained unchanged since 1868. The county, in fact, is the center up to which the party organization in the local units is built and from which the state organization in turn rises. The state committee is chosen from districts which are based on counties. Each county has at least one representative. Legislative districts are counties or parts of counties. The party organization is centralized in the county and state conventions and the state and county committees. They raise the money for the campaign and in their hands is its active

¹ The "county ring" exists and is often strongly entrenched, but it is removed from popular interest and not a controlling force in politics. See "The City and County in Massachusetts." O. C. Hormell, *Proceedings of the Amer. Pol. Science Assn.*, 1911.

prosecution. Nowhere in the United States are county organizations more powerful and effective.

The third group, the Southern States, is one in which the county has always been the chief agency of local government. We might there expect it to be the all powerful agent in state politics. But it is not so. The South has never been so well organized for political purposes as has the North. For the last generation the one party system has reduced the control of state patronage and policy to a struggle between factions of the same party. A second consequence of the absence of normal party life has been the backwardness in taking legal control of the party. Under these conditions personal politics rather than party politics are the characteristic of political struggles and the county does not afford an agency of control easily seized upon by the candidates. So far as officers selected within the county are concerned the unit furnishes disputable ground but there are no true party divisions above the county and the local offices alone never furnish sufficient basis for strong party organization.

In the extra legal activity of the parties, as in the case of legislation affecting them, the importance of the county, where it is important, rises not from its character as a county, but from the peculiar local circumstances. Especially in counties which contain large cities the political organization may become highly important.

The importance of controlling the political machinery of great urban counties can hardly be overestimated. It is shown by the detailed organization and great legitimate expenses in a county containing such a center as Chicago or New York. In national politics the importance of controlling doubtful and pivotal states is familiar. In the states which way the election will turn often depends on the vote in the metropolis or its county, except when the issue is clearly drawn on lines of city versus country districts. The fortune of the state ticket and the political composition of the state legislature also depend upon the city vote in a few counties. Under these circumstances it is not to be wondered at that, other things being equal, the power of county party officers in the counties in which big cities lie, becomes a matter of prime importance.

2. *A Well Organized New York County*

The campaign of 1910 in New York county may be taken as an example free from the unusual influences of the national election,

and therefore showing, except as modified by the congressional elections, the extent to which the parties recognize that attention must be concentrated on carrying the counties of large population. Permanent county headquarters are maintained. The office force varies with the pressure of political affairs, as in the conduct of any other large business, but there must always be plenty of help to do the legitimate party work. In 1910 this item alone cost the republican party in New York county \$14,000, including rent, \$2,000; secretary, \$3,300; clerk hire, \$4,000; printing and stationery \$3,000; and miscellaneous, \$1,300. The campaign must be planned weeks before the election. Demands for information of the most diverse character must be met. Conferences must be held with candidates in the primaries and the party candidates in the election. Requests to congressmen must be considered. Counsel to candidates for the state legislature and lesser offices must be furnished. District leaders need assistance in managing their constituents. Monthly meetings must be planned for the subcommittees who are to do the local party work. Often party measures are drafted in the county committee headquarters. Here party policy begins to take shape long before the primaries and the election. Those seeking party support for their pet measures find the county committee an easy avenue of approach. During the summer, lists of election officers must be prepared and filed. A close watch must be kept to fill vacancies caused by deaths and removals. Two inspectors, a poll clerk and a ballot clerk must be furnished by each of the major parties. The party must see to it that the officers of election make the registration required; there are over 1,800 of these election officers in New York City as a whole. As the election approaches the county organization gives attention to getting out the full party strength in the registration of voters, for victories are often won on registration days and not at election. The registration lists must be checked up to defeat fraudulent registration. Party watchers for service at the polls must be chosen and workers to get out the electorate secured.

The campaign itself must be planned. Halls must be secured for political rallies and conventions. Of the latter there are over eighty in New York county alone. Speakers must be hired, for a modern campaign will not run by voluntary effort alone. A speakers' bureau must be maintained, "quartettes" engaged to sing campaign songs and bands to play popular airs, a "cart-tail" campaign must be

planned and campaign literature written, printed and distributed by carrier and by mail. Magazine and newspaper advertisements must be properly looked after. Automobiles must be secured to take candidates to different meeting places. Marching clubs need leaders, uniforms and red-fire torches. A machine which must perform such varied and important functions of necessity wields great power. Managing an important county headquarters is conducting a great public business, and demands first-class ability both in organizing the work and in its administration.

The County Organization as a Collecting and Distributing Agency

The extent to which the funds for the campaign are collected and distributed through the county committees, like the work performed by them, varies from state to state, from county to county and from campaign to campaign. In a county with a few hundred inhabitants both these functions are of course negligible. In states where the county organization is a prominent factor in carrying on party work, it is natural that this work should be done to a greater extent through the county committee. But there is no set rule. The county committee may be one of the collecting and distributing agencies, it is not the only one. In New York county, for example, with its strong party organizations, the smaller units, the assembly districts and wards, have their own independent collecting agencies and expenses. Some assembly districts, for example, bear all their own expenses. Others are helped by the state committee and even by the national committees, in national elections. Even where county organization is strong, however, the tendency is for the county committee to rely on contributions from the state central committees for a large proportion of the funds needed. Modern methods of managing the finances of campaigns encourage this dependence by centralizing the money-collecting in a few hands.

The disbursement of party funds, however, is more often carried on through the agency of local party organizations. In Wisconsin, for example, only an inconsiderable amount of money is reported as collected through county party officers, though over fifty per cent of the disbursements are made through "candidates and county committees."

In the extra legal activities of the party, therefore, the county

as such is a fluctuating factor. Its importance varies with the time of the elections studied, with the section of the county considered, with the state, and according to the importance and number of the offices created within the county. It varies within each state with the character of the electorate, as in urban and rural counties, and it is not necessarily uniform in the various campaigns. The use to which party puts the county is opportunist. If local conditions make it the most available tool, the county is an important political factor. If historical or local influences make some other basis one by which the electorate can be more easily reached, the county becomes a political pawn.

The Perversion of the County Ticket

Especially in sections of the state in which large cities are found, the county is an increasingly obstructive and unnecessary rider upon the municipal government. In such cases the county may have its political importance destroyed by the abolition of its functions. Where this is not possible it may become a serious hindrance to normal politics, because of the unwieldy character of its ticket which destroys responsibility to the electorate. The example of Chicago is a case in point. Few would argue that the functions performed by Cook county could not better be performed by municipal authorities. No doubt the county would already have been abolished, or its functions greatly modified, but for the fact that it is established by the Illinois constitution which is extremely difficult to amend. New York City suffers from a similar handicap and the legislature of the state has already gone almost as far as possible under the constitution in merging the four county governments into the metropolis. Since 1876 the city of St. Louis has been a political subdivision of Missouri entirely distinct from the county of St. Louis. In San Francisco county and city functions are consolidated.

But in the country at large few modifications in the position of the county have been introduced. A long list of elective officers is still found on the typical county ballot. The result is that, whenever the party finds the county the available basis of organization, these offices become highly prized party spoils. The county officers may thus become the stronghold of a strong party ring whose posi-

tion is secure because county functions do not command public attention. But even if this does not occur, the county officers blur the issue of the election and make difficult any intelligent choice by the electorate. No circumstance connected with the use of the county in politics contributes more to destroy normal action and true party responsibility.

The example of the county in which Chicago lies is, fortunately, not typical, but one which shows the disadvantages which, in a lesser degree, tend to make the county elsewhere an unfortunate influence in politics. At the head of the government of Cook county are fifteen commissioners, elected biennially, all at the same time, in two divisions, ten from the city, five from the county. There are eight executive officers chosen for four years. The state's-attorney, coroner, recorder of deeds and surveyor are chosen in the years of the national elections; the sheriff, treasurer, clerk and superintendent of schools are chosen in the intervening even years. Two tax boards are chosen for six-year terms, a board of assessors of five members and a board of review of three. Other officers elected by popular vote are: a county judge, a probate judge, a clerk of probate court, and a clerk of criminal court in the even years between presidential elections. A superior court clerk and a circuit court clerk are chosen in presidential years. All are chosen at the November elections when the ballot is already occupied by the state and national tickets. As a result the choice of county officers is made from a ticket containing candidates for over eighty officers; or sixty in the years when there are no national elections. The total number of names on the ballot approaches four hundred.

In the county election held in Harrisburg, Pa., on November 7, 1911, besides twenty-three city officers, the people voted on the following county ticket: a district attorney, a recorder of deeds, a register of wills, a sheriff, two county commissioners, a county treasurer, two directors of the poor, a coroner, two county auditors, an inspector of mines and a county surveyor. These examples illustrate a general condition. Nowhere in our elections are the principles justifying a short ballot more flagrantly violated than in the choice of county officers.²

² In California an amendment allowing counties to appoint all county officers except the board of supervisors was adopted in 1911. Los Angeles voted to come under the provisions of the amendment in September, 1912.

The County Not a True Political Unit

These conditions have not always been characteristic of our local elections. Our early history in many states found the county hardly a factor in politics, and probably politics has never normally run along county lines. The county is not an important policy-determining agency; in fact, in the average election it has no policies except such as are reflected into it by the larger or smaller civil units. There may be a national policy, or a state policy, or even a city policy, which the voter sees and to which he seeks to give expression by his ballot, but county policy is something with which the average voter is unfamiliar, because it so seldom exists. Even the county board, which is the policy-determining body, is one whose doings are unknown to the electorate and which too often hardly knows itself.

We have attempted to make the county a political division, though its functions are chiefly administrative. In some states its non-political character was once recognized. Communication then was slow, counties were not numerous, their officers were few and powerful and were largely appointed by the state government. They were useful agents for carrying out state laws. But in the enthusiasm for local self-government, the number of counties increased, the number of officers rose, and, under the plea of popular control, their choice was given to the electorate. The result is a confusion of political with administrative positions in which the "superior officer" of those in county offices is the distant and indulgent body of voters in the county. A review of the functions usually performed by county officers shows to what degree the duties are administrative, not political, and therefore duties in which experience and proficiency, not party service, should determine the choice.

1. Levying taxes and spending their proceeds are the only functions in which *policy* is a constant element. The officers who have these functions under control should be a single body elected by the people and few in number so that responsibility may be centralized.

2. Other functions are chiefly administrative; most of them indeed are branches of state rather than of local government.

- (a) The county performs judicial functions. Its officers enforce most of the laws made by the state legislature. If the people of a locality are opposed to the enforcement of an act they can elect a

judge, a sheriff, or a prosecuting officer pledged to temper its rigors. If the terms of the officers are short, their subservience to local sentiment is accentuated. Every temptation is placed before the officials to set their course by the political compass. In other words, officers intended to be free from politics are forced into its service. They were intended to carry out policies which the legislature dictated; they tend to become agents who determine how far the policies for which the lawmakers declared shall be enforced. For large classes of laws this results in "local option" of the most pernicious sort. The failure of state-wide liquor legislation in many of our states is an eloquent illustration of the results of putting into political control offices which should be administrative.

(b) The county clerk has administrative functions in elections, taxation, distribution of state funds and the like, all of which are essentially state functions.

(c) The county auditor protects the public funds. Whether he should be a state or a local officer is a question, but there is certainly no reason why he should be a democrat during a democratic administration and a republican when the republicans are in power. A similar criticism applies to the surveyor, and to the coroner, if indeed the latter office should be maintained at all. Supervision of education, road building, mining and the various other activities in some states placed in the hands of county officers fall under the same comment. These officers may be selected locally or by some state agency, but there is no reason why they should be political offices; for, in all but exceptional cases, these positions involve duties, not policies, and duties are determined by statute, not by local party decisions.

The County in Politics

The review of the position of the county demonstrates that, as a true political factor, it has no definite position. It has been practically discarded as the political basis for districting the elections. It is used in legislation for the control of elections and as a division for the execution of the laws. But this is a position in which any other unit of convenient size would serve the purpose as well. In fact, many states use the county for this purpose only, in connection with a number of other divisions. The parties themselves, in a large part of the country, group their organization around the county as a

basis, and in many instances the county thus becomes a factor of the first importance in political control. But this is explained by history, local circumstances and convenience, rather than by any peculiar fitness the county as a county has for performing political functions. Both where parties make the counties the basis of their political organization and where they do not, the long list of elective county officers is one of the chief factors in confusing the ballot. The movement to remedy this abuse can as yet hardly be said to be under way. The plan of abolishing county government or restricting it to the minimum allowable under the constitutions, which has been adopted in a few counties containing large cities, is evidently not available as a general solution. The movement to simplify the position of the county in politics by cutting down the number of its elective offices has found expression in law only in California.